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Attorneys for Defendants
RAMMOHAN MALASANI, DBII
NETWORKS, INC and DBII
NETWORKS, LTD.

E-FILED - 7/16/09

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA SAN JOSE DIVISION

UBIQUITI NETWORKS, INC., a
California corporation

Plaintiff,

vs.

RAMMOHAN MALASANI,
individually, DBII NETWORKS, INC., a
Delaware corporation, and DBII
NETWORKS, LTD, a Hong Kong
corporation,

Defendants.

No. 5:09-cv-00237-RMW

STIPULATED REQUEST (1) TO CONTINUE
HEARING DATE AND EXTEND TIME TO
RESPOND TO UBIQUITI'S MOTION TO STRIKE
AFFIRMATIVE DEFENSES AND (2) FOR
LEAVE TO AMEND RESPONSIVE PLEADING
AND ~~PROPOSED~~ ORDER

Pursuant to Federal Rule of Civil Procedure 15(a)(2) and Civil Local Rules 6-2, 7-3 and 7-12, defendants Rammohan Malasani, Dbii Networks Inc. and Dbii Networks Ltd. (collectively "Dbii"), with the stipulation of plaintiff Ubiquiti Networks, Inc. ("Ubiquiti"), make the following stipulated request to (a) continue the hearing on Ubiquiti's Motion to Strike Affirmative Defenses from July 31, 2009 to August 21, 2009, with corresponding changes in related deadlines, and (b) for leave to amend defendants' responsive pleading to the First Amended Complaint on or before July 31, 2009, as follows:

1. Hearing on plaintiff's Motion to Strike Affirmative Defenses is currently set for July 31, 2009. [Docket # 28].

2. Dbii recently substituted David Bohrer and Confluence Law Partners (“CLP”) as their attorneys in this matter on June 29, 2009. [Docket #29-30].

3. On July 9, 2009, Michael Warner Kallus, an attorney for CLP, initiated a telephone call with plaintiff's counsel, David Burt, regarding Dbii's opposition to the Motion to Strike Affirmative Defenses, which is due July 10, 2009 under the current schedule. Kallus advised that Dbii's new counsel had not had sufficient time to prepare the necessary briefing to oppose the Motion to Strike and suggested that Dbii may be able to resolve the issues raised in the Motion to Strike by filing an amended responsive pleading to the First Amended Complaint. In response, Burt proposed both a three (3) week extension of time for the hearing, and associated filing deadlines, which would allow Dbii to file an amended responsive pleading to the First Amended Complaint on or before July 31, 2009 - the deadline for Dbii's opposition to the Motion to Strike assuming the hearing is continued. Burt's thinking was that if defendants' amended responsive pleading cured the alleged deficiencies in the affirmative defenses, the Motion to Strike could be rendered moot. If not, Ubiquiti's Motion would remain on calendar.

4. The parties therefore request the continuation of the hearing on the Motion to Strike Affirmative Defenses from July 31, 2009 to August 21, 2009, with all applicable deadlines continued accordingly, and for leave to file an amended responsive pleading to the First Amended Complaint.

SO STIPULATED.

DATED: July 10, 2009.

CONFLUENCE LAW PARTNERS

By /s/
David C. Bohrer
On behalf of Defendants Rammohan
Malasani, DBII Networks, Inc. and DBII
Networks, Ltd.

By /s/
David R. Burt
On behalf of Plaintiff Ubiquiti Networks,
Inc.

DATED: 7/16/09

Ronald M. Whyte
JUDGE

*The Court also continues the Case Management Conference from July 31, 2009 to August 21, 2009 @ 10:30 a.m.